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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,398	08/31/2006	Giuseppe Lo Biundo	Q89568	8985
23373	7590	11/09/2009	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			WEINSTEIN, LEONARD J	
			ART UNIT	PAPER NUMBER
			3746	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SUGHRUE.COM  
PPROCESSING@SUGHRUE.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,398	<b>Applicant(s)</b> LO BIUNDO ET AL.	
	<b>Examiner</b> LEONARD J. WEINSTEIN	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dzioba US 4,586,468. Dzioba teaches all the limitations as claimed for an oil and vacuum pump group for a motor vehicle engine (Dzioba - abstract) including: **[claim 1]** at least one motion transmission shaft 22, extending along a main axis X-X, at least one oil pump 14 fitted on said at least one motion transmission shaft 22, at least one vacuum pump 16 fitted on said at least one motion transmission shaft 22 (via element 30), a gear 30 fitted on said at least one motion transmission shaft 22 and adapted to derive a rotary motion from a driving gear 18 of a motor vehicle engine and to transfer said rotary motion to said at least one motion transmission shaft 22 to drive said at least one oil pump 14 and said at least one vacuum pump 16, characterized in that the group is structurally independent from and adapted to be associated with said motor vehicle engine (as 14 and 16 are disposed (as tandem pumps 6 are driven by a the camshaft of an engine that is structurally separated from the actual pump units; col. 2 ll. 24-30); **[claim 2]** wherein said at least one oil pump 14 and said at least one vacuum pump 16 are units which are structurally independent from each other (as each of the pumping elements 28, 66, and 67 of elements 14 and 16 are disposed in separate sections of a

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casing): **[claim 3]** wherein said gear 30 is operatively placed between said at least one oil pump 14 and said at least one vacuum pump 16; **[claim 4]** wherein said at least one oil pump 14 is a single-stage or two-stage pump; **[claim 5]** comprising means 55 for the attachment to an engine block (col. 3 ll. 1-6); **[claim 7]** wherein said at least one oil pump 14 and said at least one vacuum pump 16 are fitted on a single motion transmission shaft 22; **[claim 9]** a motor vehicle engine (not shown – Abstract; col. 2 ll. 24-30; col. 3 ll. 1-6) , comprising an oil 14 and vacuum pumps 16 groups according to claim 1.

Dzioba teaches all the limitations as claimed for a method for assembling an oil 14 and vacuum pump 16 group for a motor vehicle engine including: **[claim 8]** the steps of providing at least one motion transmission shaft 22, providing at least one oil pump 14, providing at least one vacuum pump 16, providing a gear 30, fitting said gear 30, said at least one oil pump 14 and said at least one vacuum pump 16 on said at least one motion transmission shaft 22, characterized in that the step of fitting said gear 30, said at least one oil pump 14 and said at least one vacuum pump 16 on said at least one motion transmission shaft 22 comprises the step of positioning said gear 30 between said at least one oil pump 14 and said at least one vacuum pump 16

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dzioba US 4,586,468. Dzioba teaches all the limitations as discussed including: a means 55 for the attachment to an engine block comprises a bracket 55 (col. 3 ll. 1-6) intended to cooperate with respective brackets formed on said engine block (not shown). Dzioba fails to teach the use of a plurality of brackets. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of brackets in order to secure a tandem pump to an engine, since such a modification would amount to a mere duplication of parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/  
Supervisory Patent Examiner, Art  
Unit 3746

/Leonard J Weinstein/  
Examiner, Art Unit 3746